

The Commonwealth of Massachusetts

Suffolk, ss.

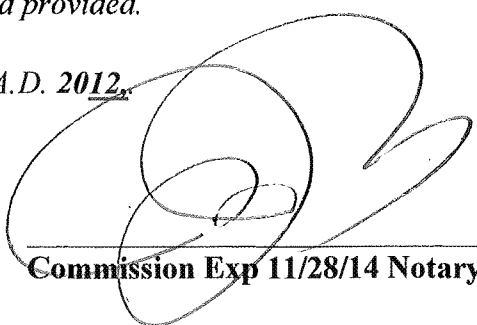
To Keeper of Records - Comm. of MA Dept.
of Public Health - William A. Hinton
State Lab Institute
350 South St.
Jamaica Plain, MA greetings.

You are hereby commanded, in the name of The Commonwealth of Massachusetts, to appear before the Roxbury District Court, 85 Warren St., Holden at Roxbury, within and for the county of Suffolk, on the 28th, day of June, 2012, at 9:00 A.M., o'clock in the fore, noon, and from day to day thereafter, until the action hereinafter named is heard by said Court, to give evidence of what you know relating to an action of Criminal Hearing, then and there to be heard and tried between Commonwealth of Massachusetts, Plaintiff, and [REDACTED] Defendant, Docket [REDACTED] and you are required to bring with you any and all employment/disciplinary records of State Chemist Annie Dookhan and any recordd which exist with respect to any investigations upon her. (See attached Motion to Compel), , *Inquires to Atty. Richard Doyle @ 617-864-1390., **Subpoena issued at the request of the defendant., ,

....

Hereof fail not, as you will answer your default under the pains and penalties in the law in that behalf made and provided.

Dated at Boston the 6th, day of June, A.D. 2012.


Commission Exp 11/28/14 Notary Public


A TRUE COPY, ATTEST

Constable, Boston Ma. Date 6/11/12

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

DISTRICT COURT DEPARTMENT
ROXBURY DIVISION

NO:

COMMONWEALTH

v.

MOTION TO COMPEL PRODUCTION OF
DOCUMENTARY EVIDENCE AND OBJECTS
PURSUANT TO SUBPOENA DUCES TECUM

Now comes the defendant, [REDACTED] and moves before this Honorable Court, pursuant to M.R. Crim. P. 17 (a)(2), for an order compelling THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH, WILLIAM A. HINTON STATE LABORATORY INSTITUTE, 350 SOUTH ST., JAMAICA PLAIN, MA., 02130 to produce documentary evidence and objects (specifically, any and all employment records and disciplinary records of State Chemist Annie Dookhan AND any records which exist with respect to any and all investigations conducted upon State Chemist Annie Dookhan) pursuant to subpoena duces tecum.

As reason, therefor, the defendant attaches an affidavit.

Respectfully submitted,

By his Attorney:

Richard M. Doyle, Jr.
875 Massachusetts Avenue
Suite 32
Cambridge, Ma. 02139
Tel: (617) 864-1390

Dated: May 29, 2012

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK

DISTRICT COURT DEPARTMENT
ROXBURY DIVISION
NO: [REDACTED]

COMMONWEALTH

V.
[REDACTED]

AFFIDAVIT

1. My name is Richard M. Doyle, Jr., my B.B.O. number is 552133, my practice is located at 875 Massachusetts Avenue, in Cambridge, Ma..
2. [REDACTED] is my client.
3. I have recently learned from the Commonwealth that the State Chemist in this matter, Ms. Annie Dookhan, has breached the chain of custody protocol in criminal prosecutions in Norfolk County, as recently as June, 2011. Consequently, she is no longer employed by the Commonwealth as a chemist.
4. To mount an effective defense in the foregoing matter, counsel will require more precise information about Ms. Dookhan; specifically, her employment / disciplinary history as a state chemist and information gleaned from any investigation concerning Ms. Dookhan.
5. The requested documents will not be forthcoming until this motion is allowed.
6. The defendant attaches exhibit #1 (Commonwealth's Discovery Notice; case of Comm. v. [REDACTED] Middlesex Superior # [REDACTED] in support of his contention. I am Counsel of Record on that matter.
7. The defendant respectfully requests that this motion be allowed.

[REDACTED]
By his Attorney:

Richard M. Doyle, Jr.
875 Massachusetts Avenue
Suite 32
Cambridge, Ma. 02139
Tel: (617) 864-1390

COMMONWEALTH OF MASSACHUSETTS

I, Richard M. Doyle, Jr., Attorney for the defendant, [REDACTED] hereby state, under the pains and penalties of perjury, that I have forwarded a copy of the foregoing Motion to Compel Production of Documentary Evidence and Objects upon the District Attorney's Office, by first class mail.

Signed under the pains and penalties of perjury this
29th day of May, 2012.

Richard M. Doyle, Jr.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
DOCKET NO. [REDACTED]

EX. #1

COMMONWEALTH

v.
[REDACTED]

COMMONWEALTH'S DISCOVERY NOTICE

Now comes the Commonwealth and, in light of Mass. R. Crim. P. 14 and case law, and in an abundance of caution, hereby notifies the defendant that the Commonwealth has been advised that state chemist Annie Dookhan breached the chain-of-custody protocol of the William A. Hinton State Laboratory Institute in June, 2011. After an investigation conducted by the Department of Public Health, it was determined that the only cases affected by the protocol breach were from Norfolk County.

The Commonwealth is aware of its continuing discovery obligations and will provide any further discoverable information to the defendant as necessary.

Respectfully Submitted
For the Commonwealth

GERARD T. LEONE, JR.
DISTRICT ATTORNEY



Lisa L. Fuccione
Assistant District Attorney

Date: 3/30/12